

It was decided in the { Yeas 199
negative { Nays 210

¶100.37 [Roll No. 427]
AYES—199

Abercrombie	Gephardt	Pallone
Andrews (ME)	Geren	Parker
Andrews (NJ)	Gibbons	Pastor
Bacchus (FL)	Glickman	Payne (NJ)
Barca	Gonzalez	Payne (VA)
Barlow	Grandy	Pelosi
Barrett (WI)	Hall (TX)	Penny
Becerra	Hamburg	Peterson (FL)
Beilenson	Hamilton	Pickett
Bereuter	Harman	Price (NC)
Berman	Hastings	Rangel
Bevill	Hefner	Reed
Bilbray	Hilliard	Reynolds
Bishop	Hinchee	Richardson
Blackwell	Hoagland	Roemer
Bonior	Hochbrueckner	Rostenkowski
Borski	Horn	Rowland
Boucher	Hoyer	Roybal-Allard
Brewster	Hutto	Rush
Brooks	Inslee	Sabo
Browder	Jefferson	Sanders
Brown (CA)	Johnson (GA)	Sangmeister
Brown (FL)	Johnson, E. B.	Sarpalius
Bryant	Johnston	Sawyer
Byrne	Kaptur	Schroeder
Cantwell	Kennedy	Schumer
Cardin	Kennelly	Scott
Carr	Kildee	Serrano
Clay	Kopetski	Sharp
Clayton	Kreidler	Sisisky
Clyburn	LaFalce	Skaggs
Coleman	Lancaster	Skelton
Collins (IL)	Lantos	Slaughter
Collins (MI)	LaRocco	Smith (IA)
Cooper	Laughlin	Spratt
Coppersmith	Leach	Stark
Costello	Levin	Stenholm
Coyne	Lewis (GA)	Stokes
Cramer	Lloyd	Studds
Darden	Maloney	Swett
de la Garza	Mann	Swift
DeFazio	Manton	Synar
DeLauro	Markey	Tanner
Dellums	Martinez	Tejeda
Deutsch	Matsui	Thompson
Diaz-Balart	McCloskey	Thornton
Dicks	McCurdy	Thurman
Dingell	McDermott	Torres
Dixon	McHale	Torricelli
Dooley	McKinney	Trafigant
Durbin	McNulty	Underwood (GU)
Edwards (CA)	Meehan	Unsoeld
Edwards (TX)	Meek	Upton
Engel	Mfume	Velazquez
Evans	Mineta	Vento
Faleomavaega	Minge	Waters
(AS)	Mink	Watt
Fazio	Moakley	Waxman
Fields (LA)	Montgomery	Wheat
Filner	Moran	Whitten
Flake	Nadler	Wilson
Foglietta	Natcher	Wise
Ford (MI)	Neal (NC)	Woolsey
Ford (TN)	Norton (DC)	Wyden
Frank (MA)	Oberstar	Wynn
Furse	Olver	Yates
Gejdenson	Ortiz	

NOES—210

Allard	Callahan	Dunn
Applegate	Calvert	Emerson
Archer	Camp	English (AZ)
Armey	Canady	English (OK)
Bacchus (AL)	Castle	Eshoo
Baesler	Chapman	Everett
Baker (CA)	Clement	Ewing
Baker (LA)	Clinger	Fawell
Ballenger	Coble	Fields (TX)
Barcia	Collins (GA)	Fingerhut
Barrett (NE)	Combest	Fish
Bartlett	Condit	Fowler
Barton	Cox	Franks (CT)
Bateman	Crane	Franks (NJ)
Bentley	Crapo	Gallegly
Bilirakis	Cunningham	Gallo
Bliley	Danner	Gekas
Blute	Deal	Gilchrest
Boehlert	DeLay	Gillmor
Boehner	Derrick	Gilman
Bonilla	Dickey	Gingrich
Brown (OH)	Doolittle	Goodlatte
Bunning	Dornan	Goodling
Burton	Dreier	Gordon
Buyer	Duncan	Goss

Grams	Manzullo	Roth
Greenwood	Margolies-	Roukema
Gunderson	Mezvinsky	Royce
Hall (OH)	Mazzoli	Santorum
Hancock	McCandless	Saxton
Hansen	McCollum	Schaefer
Hastert	McCrery	Schenk
Hayes	McDade	Schiff
Hefley	McHugh	Sensenbrenner
Herger	McInnis	Shaw
Hobson	McKeon	Shays
Hoekstra	McMillan	Shepherd
Holden	Menendez	Skeen
Houghton	Meyers	Slattery
Huffington	Mica	Smith (MI)
Hughes	Michel	Smith (NJ)
Hunter	Miller (FL)	Smith (OR)
Hutchinson	Molinari	Smith (TX)
Hyde	Mollohan	Snowe
Inglis	Moorhead	Solomon
Inhofe	Morella	Spence
Istook	Murphy	Stearns
Jacobs	Murtha	Strickland
Johnson (CT)	Myers	Stump
Johnson (SD)	Nussle	Stupak
Johnson, Sam	Obey	Sundquist
Kanjorski	Orton	Talent
Kasich	Oxley	Tauzin
Kim	Packard	Taylor (MS)
King	Paxon	Taylor (NC)
Klein	Petri	Thomas (CA)
Klink	Pombo	Torkildsen
Klug	Pomeroy	Tucker
Knollenberg	Portman	Valentine
Kolbe	Poshard	Visclosky
Kyl	Pryce (OH)	Volkmer
Lambert	Quillen	Vucanovich
Lazio	Quinn	Walker
Levy	Rahall	Walsh
Lewis (CA)	Ramstad	Weldon
Lewis (FL)	Ravenel	Williams
Lightfoot	Regula	Wolf
Linder	Roberts	Young (FL)
Livingston	Rogers	Zeliff
Long	Rohrabacher	
Machtley	Ros-Lehtinen	

NOT VOTING—29

Ackerman	Klecza	Ridge
Andrews (TX)	Lehman	Romero-Barcelo
Conyers	Lipinski	(PR)
de Lugo (VI)	Lowey	Rose
Farr	Miller (CA)	Shuster
Frost	Neal (MA)	Thomas (WY)
Green	Owens	Towns
Gutierrez	Peterson (MN)	Washington
Hoke	Pickle	Young (AK)
Kingston	Porter	Zimmer

So the amendment was not agreed to.

¶100.38 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment submitted by Mr. BONIOR:

At the end of title X insert the following new section:

SEC. . NATIONAL GUARD CIVILIAN TECHNICALS.

(a) INCLUSION WITHIN THE COMPETITIVE SERVICE.—Section 709(d) of title 32, United States Code, is amended by striking the second sentence and inserting the following: "A position authorized by this section is within the competitive service, as defined by section 2102 of title 5."

(b) APPEAL RIGHTS.—

(1) AMENDMENTS TO TITLE 32, UNITED STATES CODE.—Section 709 of title 32, United States Code, is amended—

(A) in subsection (e)—

(i) by striking paragraphs (3) through (6) and inserting the following:

"(3) a right of appeal which may exist with respect to clause (1) or (2) shall not extend beyond the adjutant general of the jurisdiction concerned."; and

(ii) by adding "and" after the semicolon at the end of paragraph (2); and

(B) by striking subsection (f) and by redesignating subsections (g) and (h) as subsections (f) and (g), respectively.

(2) AMENDMENTS TO TITLE 5, UNITED STATES CODE.—Subchapter II of chapter 75 of title 5, United States Code, is amended—

(A) in section 7511(b) by striking paragraph (5) and by redesignating paragraphs (6) through (10) as paragraphs (5) through (9), respectively; and

(B) in section 7512 by striking "or" at the end of subparagraph (D), by striking the period at the end of subparagraph (E) and inserting "; or", and by adding after subparagraph (E) the following:

"(F) an action, affecting a technician described in section 709 of title 32, as to which subsection (e)(3) of such section applies."

(c) CLARIFICATION.—Section 709 of title 32, United States Code, as amended by subsection (b)(1)(B), is further amended by adding at the end the following:

"(h) Nothing in this section shall prevent the applicability of section 6130 of title 5 with respect to persons employed under this section."

(d) EFFECTIVE DATE; OTHER PROVISIONS.—

(1) EFFECTIVE DATE.—This section and the amendments made by this section—

(A) shall take effect 60 days after the date of the enactment of this Act; and

(B) shall apply in the case of any person who performs service under section 709 of title 32, United States Code, on or after the date as of which this section takes effect.

(2) TREATMENT OF PRIOR SERVICE.—Any period of service performed under section 709 of title 32, United States Code (or a prior corresponding provision of law) before the effective date of this section shall be considered a period of service performed in a position within the competitive service for purposes of any determination relating to an individual's—

(A) tenure or status;

(B) order of retention in a reduction in force; or

(C) eligibility for coverage under subchapter I or II of chapter 75 of title 5, United States Code (relating to adverse actions).

(3) PRIOR APPOINTMENTS.—Nothing in this section, or in any amendment made by this section, shall affect the validity of any appointment to a position under section 709 of title 32, United States Code, made before the effective date of this section.

(4) DEFINITION.—For purposes of this subsection, the term "competitive service" has the meaning given such term by section 2102 of title 5, United States Code.

It was decided in the { Yeas 156
negative { Nays 256

¶100.39 [Roll No. 428]
AYES—156

Abercrombie	DeFazio	Gekas
Andrews (ME)	DeLauro	Gephardt
Bacchus (AL)	Dellums	Gingrich
Barca	Deutsch	Glickman
Barcia	Diaz-Balart	Gonzalez
Barrett (WI)	Dicks	Greenwood
Becerra	Dingell	Gunderson
Beilenson	Dixon	Hamburg
Berman	Dooley	Hamilton
Bevill	Dunn	Harman
Bilbray	Durbin	Hastings
Bishop	Edwards (CA)	Hilliard
Blackwell	Emerson	Hinchee
Bonior	Engel	Hoagland
Brown (CA)	English (AZ)	Holden
Brown (FL)	Eshoo	Horn
Brown (OH)	Evans	Hoyer
Bryant	Faleomavaega	Inslee
Cantwell	(AS)	Jacobs
Clay	Fazio	Johnson (GA)
Clayton	Filner	Johnson (SD)
Clinger	Fish	Johnston
Collins (GA)	Flake	Kildee
Collins (IL)	Ford (MI)	Klein
Collins (MI)	Ford (TN)	Klug
Coppersmith	Frank (MA)	Kopetski
Coyne	Franks (NJ)	Kreidler
Darden	Furse	LaFalce
Deal	Gejdenson	Lantos